

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-cr-206-02

v.

HONORABLE PAUL L. MALONEY

MARK NOWELL BASNIGHT,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

Defendant Mark Nowell Basnight has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, Amendment 782 provides Defendant no relief. Defendant's original guideline range was 120 months, the statutory mandatory minimum for his offense. After the Court varied upward, he was sentenced to 168 months in prison. After application of Amendment 782, the applicable guideline range remains 120 months. In his response to the Sentence Modification

Report, Defendant concedes that under Amendment 782 his guideline range remains the same. As the resulting guideline range has not been lowered by Amendment 782, the amendment is of no assistance to the defendant. Accordingly,

IT IS HEREBY ORDERED that Defendant Mark Nowell Basnight 's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 74) is **DENIED**.

Date: April 15, 2016

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge